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**From:** Lazos, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15D4F11C6327474BB424A24CBD406E93-PLAZOS]  
**Sent:** 5/6/2021 1:30:24 PM  
**To:** Seneca, Roy [Seneca.Roy@epa.gov]; Rivera, Nina [Rivera.Nina@epa.gov]; Smith, William (Region 3) [smith.william@epa.gov]  
**CC:** Landis, Jeffrey [Landis.Jeffrey@epa.gov]; White, Terri-A [White.Terri-A@epa.gov]  
**Subject:** RE: Media response needs approval - Harrisburg Patriot regarding CD for Capital Region Water

It's a negotiated amount under the CD when they do certain things wrong, for e.g., if going forward they have a sanitary sewer overflow they pay \$xx. They negotiated and agreed to the amount of the stipulated penalties when they signed the CD. We issued stipulated penalty demands about once or twice a year for those stipulations that have accumulated since the last time we issued a demand. They can choose to pay it – as they've contracted to do under the CD – or they can fight it and raise whatever issues they want to raise. If they fight it and we don't agree with their arguments, it could go to dispute resolution. All of that is water under the bridge, though, because technically, they agreed upfront to pay certain amounts for certain violations.

I do think we need that extra language (and sorry, if I would have been reading it I would have caught it, but I was out of the office and poor Steve had to call me and read things to me) because there is a difference between stipulated penalties (agreed upon upfront for violations that will happen in the future) and civil penalties (agreed to upfront for violations that happened in the past).

Call me if you want to talk more about it, Roy.

Thanks,  
Pam

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**From:** Seneca, Roy <Seneca.Roy@epa.gov>  
**Sent:** Thursday, May 06, 2021 9:06 AM  
**To:** Rivera, Nina <Rivera.Nina@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>  
**Cc:** Landis, Jeffrey <Landis.Jeffrey@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>  
**Subject:** RE: Media response needs approval - Harrisburg Patriot regarding CD for Capital Region Water

Sorry, but I really do not know what a "stipulated penalty demand" is... Do we really need these extra words... the reporter may come back and ask what this means and I'm not sure we can answer...

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**From:** Rivera, Nina <Rivera.Nina@epa.gov>  
**Sent:** Thursday, May 06, 2021 8:55 AM  
**To:** Smith, William (Region 3) <smith.william@epa.gov>; Seneca, Roy <Seneca.Roy@epa.gov>  
**Cc:** Landis, Jeffrey <Landis.Jeffrey@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>  
**Subject:** RE: Media response needs approval - Harrisburg Patriot regarding CD for Capital Region Water

I concur but have some suggested edits on the following sentence:

Regarding your question about any sanctions, on Nov. 6, 2019, EPA issued a STIPULATED penalty DEMAND to CRW for \$11,500 under the consent decree for sewer overflows. The payment was split between the federal government and PADEP.

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**From:** Smith, William (Region 3) <[smith.william@epa.gov](mailto:smith.william@epa.gov)>  
**Sent:** Thursday, May 06, 2021 8:37 AM  
**To:** Seneca, Roy <[Seneca.Roy@epa.gov](mailto:Seneca.Roy@epa.gov)>; Rivera, Nina <[Rivera.Nina@epa.gov](mailto:Rivera.Nina@epa.gov)>  
**Cc:** Landis, Jeffrey <[Landis.Jeffrey@epa.gov](mailto:Landis.Jeffrey@epa.gov)>; White, Terri-A <[White.Terri-A@epa.gov](mailto:White.Terri-A@epa.gov)>; Lazos, Pamela <[Lazos.Pamela@epa.gov](mailto:Lazos.Pamela@epa.gov)>  
**Subject:** RE: Media response needs approval - Harrisburg Patriot regarding CD for Capital Region Water

Roy- Will do.

Nina – do you concur with the highlighted statement below (Pam has already OK'ed).

William C. Smith  
Senior Assistant Regional Counsel  
Water & General Law Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region III  
Mailcode 3RC60  
[smith.william@epa.gov](mailto:smith.william@epa.gov)  
215-814-2690

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**From:** Seneca, Roy <[Seneca.Roy@epa.gov](mailto:Seneca.Roy@epa.gov)>  
**Sent:** Wednesday, May 5, 2021 8:46 PM  
**To:** Smith, William (Region 3) <[smith.william@epa.gov](mailto:smith.william@epa.gov)>  
**Cc:** Landis, Jeffrey <[Landis.Jeffrey@epa.gov](mailto:Landis.Jeffrey@epa.gov)>; White, Terri-A <[White.Terri-A@epa.gov](mailto:White.Terri-A@epa.gov)>; Lazos, Pamela <[Lazos.Pamela@epa.gov](mailto:Lazos.Pamela@epa.gov)>  
**Subject:** Media response needs approval - Harrisburg Patriot regarding CD for Capital Region Water  
**Importance:** High

Bill – Pam Lazos and Steve Maslowski are okay with this response. Please run this by the appropriate branch chief for approval. Thanks

**Reporter** Wallace McKelvey, Harrisburg Patriot News (Pennlive.com)

**Inquiry:** I'm following up on this letter from last April in which you cited deficiencies in Harrisburg/CRW's response to sewer overflows and demanded additional remediation to reduce sewer discharges.

What has been done since then? What was CRW's response, if any? Have there been any sanctions handed down regarding this?

Also, I'd appreciate the most updated information you have on the amount of combined sewage being discharged per year or per month. According to this letter, in 2019 the CRW discharged 900 million gallons...

**DRAFT EPA Response:** EPA is working with the Pennsylvania Department of Environmental Protection to address several issues that remain unresolved regarding the consent decree with Capital Region Water. EPA and the PADEP continue to hold discussions with CRW. These discussions are enforcement confidential.

Regarding your question about any sanctions, on Nov. 6, 2019, EPA issued a penalty to CRW for \$11,500 under the consent decree for sewer overflows. The payment was split between the federal government and PADEP.

Roy Seneca  
EPA Region 3 Press Officer  
Office of Public Affairs  
[seneca.roy@epa.gov](mailto:seneca.roy@epa.gov)  
(215) 814-5567